

AMENDED IN SENATE AUGUST 24, 1998
AMENDED IN SENATE AUGUST 20, 1998
AMENDED IN SENATE AUGUST 13, 1998
AMENDED IN SENATE JULY 30, 1998
AMENDED IN SENATE JULY 9, 1998
AMENDED IN SENATE JUNE 17, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1216

Introduced by Assembly Members Kaloogian and Sweeney
(Principal coauthor: Assembly Member Baldwin)
(Principal coauthor: Senator Haynes)
(Coauthors: Assembly Members Battin, Bordonaro,
Cardoza, Cunneen, and Oller)
(Coauthor: Senator Leslie)

February 28, 1997

An act to amend Section 49063 of, and to add Chapter 6.6 (commencing with Section 49091.10) to Part 27 of, the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1216, as amended, Kaloogian. School districts: parental, pupil, and teacher procedures.

Existing law grants pupils, parents, and guardians certain rights regarding the delivery of educational services. Existing law requires the governing board of each school district at the

beginning of each school year to notify the parent or guardian of its minor pupils regarding the rights or the responsibilities of the parent or guardian under certain provisions of law, including the right to be excused from health, family life, and sex education instruction due to religious beliefs and the right to refuse a physical examination of pupils.

This bill would impose a state-mandated local program by requiring that all primary supplemental instruction materials and assessments be compiled and stored by the classroom instructor and made available promptly for inspection by a parent or guardian of a pupil, and by granting the parent or guardian the right to observe the instruction and other school related activities that involve his or her child, in a reasonable timeframe or in accordance with procedures determined by the governing board of the school district.

This bill would prohibit a pupil from being compelled to affirm or disavow any particular personally or privately held world view, religious doctrine, or political opinion. The bill would require that its provisions not be construed to affect a pupil's right or ability to obtain confidential medical care or confidential counseling relating to the diagnosis or treatment of a drug- or alcohol-related problem, or mental health treatment or counseling on an outpatient basis, without the consent of his or her parent or guardian. The bill would further require that its provisions not be construed to restrict the authority of school or law enforcement officials to investigate, or intervene in, cases of suspected child abuse. The bill would prohibit a pupil from being tested for a behavioral, mental, or emotional evaluation without the consent of his or her parent or guardian.

The bill would require the curriculum, including titles, descriptions, and instructional aims of every course offered by a public school, to be compiled at least once annually in a prospectus, thereby imposing a state-mandated local program. The bill would require the notice regarding the rights and responsibilities of parents or guardians to include notice of the availability of this prospectus, thereby imposing a state-mandated local program.

Existing law authorizes the governing board of a school district to provide a comprehensive educational counseling



program for all pupils and requires confidentiality of information received while counseling a pupil 12 years of age or older, except as specified.

This bill would, notwithstanding provisions of law to the contrary, prohibit a school from requiring a pupil or a pupil's family to participate in any assessment, analysis, evaluation or monitoring of the quality or character of a pupil's home life, any form of parental screening or testing, any nonacademic home-based counseling program, parent training, or any prescribed family education service plan.

Existing law sets forth the rights and responsibilities of teachers.

The bill would provide that a teacher has the right to refuse to submit to any evaluation or survey conducted by the school district that addresses certain matters.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49063 of the Education Code is
2 amended to read:
3 49063. School districts shall notify parents in writing
4 of their rights under this chapter upon the date of the
5 pupil's initial enrollment, and thereafter at the same time
6 as notice is issued pursuant to Section 48980. The notice
7 shall be, insofar as is practicable, in the home language of
8 the pupil. The notice shall take a form which reasonably

1 notifies parents of the availability of the following specific
2 information:

3 (a) The types of pupil records and information
4 contained therein which are directly related to students
5 and maintained by the institution.

6 (b) The position of the official responsible for the
7 maintenance of each type of record.

8 (c) The location of the log or record required to be
9 maintained pursuant to Section 49064.

10 (d) The criteria to be used by the district in defining
11 “school officials and employees” and in determining
12 “legitimate educational interest” as used in Section 49064
13 and paragraph (1) of subdivision (a) of Section 49076.

14 (e) The policies of the institution for reviewing and
15 expunging those records.

16 (f) The right of the parent to access to pupil records.

17 (g) The procedures for challenging the content of
18 pupil records.

19 (h) The cost if any which will be charged to the parent
20 for reproducing copies of records.

21 (i) The categories of information which the institution
22 has designated as directory information pursuant to
23 Section 49073.

24 (j) Any other rights and requirements set forth in this
25 chapter, and the right of the parent to file a complaint
26 with the United States Department of Health, Education,
27 and Welfare concerning an alleged failure by the district
28 to comply with the provisions of Section 438 of the
29 General Education Provisions Act (20 U.S.C.A. Sec.
30 1232g).

31 (k) The availability of the prospectus prepared
32 pursuant to Section 49091.14.

33 SEC. 2. Chapter 6.6 (commencing with Section
34 49091.10) is added to Part 27 of the Education Code, to
35 read:

36

CHAPTER 6.6. THE EDUCATION EMPOWERMENT ACT OF
1998

Article 1. Parental Review

49091.10. (a) All primary supplemental instructional materials and assessments, including textbooks, teacher's manuals, films, tapes, and software shall be compiled and stored by the classroom instructor and made available promptly for inspection by a parent or guardian in a reasonable timeframe or in accordance with procedures determined by the governing board of the school district.

(b) A parent or guardian has the right to observe instruction and other school activities that involve his or her child in accordance with procedures determined by the governing board of the school district to ensure the safety of pupils and school personnel and to prevent undue interference with instruction or harassment of school personnel. Reasonable accommodation of parents and guardians shall be considered by the governing board of the school district. Upon written request by the parent or guardian, school officials shall arrange for the parental observation of the requested class or classes or activities by that parent or guardian in a reasonable timeframe and in accordance with procedures determined by the governing board of the school district.

49091.12. (a) A pupil may not be compelled to affirm or disavow any particular personally or privately held world view, religious doctrine, or political opinion. This section does not relieve pupils of any obligation to complete regular classroom assignments.

(b) Nothing in this chapter shall be construed to affect a pupil's right or ability to obtain confidential medical care or confidential counseling relating to the diagnosis or treatment of a drug- or alcohol-related problem, or mental health treatment or counseling on an outpatient basis, without the consent of his or her parent or guardian. Nothing in this chapter shall be construed to restrict the authority of school officials or law enforcement officials to

1 investigate, or intervene in, cases of suspected child
2 abuse.

3 (c) A pupil may not be tested for a behavioral, mental,
4 or emotional evaluation without the informed written
5 consent of his or her parent or guardian.

6 (d) A general consent, including medical consent used
7 to approve admission to or involvement in, a special
8 education or remedial program or regular school activity,
9 does not constitute written consent under this section.

10 49091.14. The curriculum, including titles,
11 descriptions, and instructional aims of every course
12 offered by a public school, shall be compiled at least once
13 annually in a prospectus. Each schoolsite shall make its
14 prospectus available for review upon request. When
15 requested, the prospectus shall be reproduced and made
16 available. School officials may charge for the prospectus
17 an amount not to exceed the cost of duplication.

18 49091.16. It is the intent of the Legislature to
19 encourage pupil-school-parent compacts that are
20 ~~voluntary. Therefore, a school may not coerce any parent~~
21 ~~or guardian to enter into any compact or any other~~
22 ~~partnership that will share responsibility for a pupil's~~
23 ~~educational performance between the school and the~~
24 ~~parent or guardian.~~ *voluntary.*

25 49091.18. Notwithstanding any provision of law to the
26 contrary, a school may not require a pupil or a pupil's
27 family to submit to or participate in any of the following:

28 (a) Any assessment, analysis, evaluation, or
29 monitoring of the quality or character of the pupil's home
30 life.

31 (b) Any form of parental screening or testing.

32 (c) Any nonacademic home-based counseling
33 program.

34 (d) Parent training.

35 (e) Any prescribed family education service plan.

36 (f) Nothing in this section shall be construed as
37 preventing the screening, testing, or training of public
38 school employees.

1 49091.19. No provision of this chapter shall be
2 construed as restricting teachers in the assignment of
3 homework.

4
5 Article 2. Teacher Rights
6

7 49091.24. A teacher shall have the right to refuse to
8 submit to any evaluation or survey conducted by the
9 school district concerning the following:

- 10 (a) Personal values, attitudes, and beliefs.
11 (b) Sexual orientation.
12 (c) Political affiliations or opinions.
13 (d) Critical appraisals of other individuals with whom
14 the teacher has a family relationship.
15 (e) Religious affiliations or beliefs.

16 SEC. 3. Notwithstanding Section 17610 of the
17 Government Code, if the Commission on State Mandates
18 determines that this act contains costs mandated by the
19 state, reimbursement to local agencies and school
20 districts for those costs shall be made pursuant to Part 7
21 (commencing with Section 17500) of Division 4 of Title
22 2 of the Government Code. If the statewide cost of the
23 claim for reimbursement does not exceed one million
24 dollars (\$1,000,000), reimbursement shall be made from
25 the State Mandates Claims Fund.

26 Notwithstanding Section 17580 of the Government
27 Code, unless otherwise specified, the provisions of this act
28 shall become operative on the same date that the act
29 takes effect pursuant to the California Constitution.